

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CHICAGO TILE INSTITUTE)	
WELFARE PLAN, and CHICAGO TILE)	
INSTITUTE PENSION PLAN, and CERAMIC)	
TILE and TERRAZZO LOCAL 21 B.A.C.)	
ANNUITY PLAN)	
Plaintiffs,)	11 CV 4262
)	Judge St. Eve
v.)	
)	
UNITED FLOOR COVERING, INC.)	
)	
Defendant.)	

Motion For Judgment By Default

Plaintiffs, by its Attorney, Michael J. McGuire, move this Court to enter Judgment by Default according to Rule 55 of the Federal Rules of Civil Procedure for Defendant's failure to appear, answer or otherwise plead. Further, in support of this Motion the Plaintiffs state:

1. Plaintiffs filed their Complaint on June 23, 2011 and Defendant was personally served with a copy of the Complaint and Summons on June 27, 2011. **(Group Exhibit A)**
2. The Defendants have failed to appear, answer or otherwise plead within the time allowed by the Federal Rules of Civil Procedure.
3. At all times relevant to this action, the Defendant has been bound by the provisions of a Collective Bargaining Agreement and the Trust Agreements, which created the Trust Funds.
4. Pursuant to the provisions of the Trust Agreements and Collective Bargaining Agreement, the Defendant is required to submit monthly reports to the Trust Funds which list the number of hours worked by the Defendant's employees and to pay contributions based thereon.

5. The Defendant failed to submit timely contributions to the Funds for the time period of November 2010 and April, May, and June 2011. As a result of the delinquency, the Defendant owes \$6,144.00 in delinquent contributions for that time period to the Funds. **(Exhibit B)**

6. By failing to pay the contributions due the Trust Funds in a timely manner, the Defendants owes liquidated damages, and interest. At the present time, the Defendants owes \$614.41 in liquidated damages and interest in the amount of \$184.32. **(Exhibit B)**

7. The Defendant owes the sum of \$2,105.00 for necessary and reasonable attorney fees and costs which are collectible under the terms of the Collective Bargaining Agreements, Trust Agreements, and Federal law (29U.S.C. §1132(g)(2)(b)). **(Exhibit C)**

WHEREFORE, Plaintiffs move for Judgment by Default in the amount of \$8,997.73.

/s/: Michael J. McGuire
BY: MICHAEL J. MCGUIRE

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